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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/158,549	09/22/1998	JOHN S. HENDRICKS	SEDN/5515	4086
56015	7590	10/17/2007	EXAMINER	
PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			BROWN, RUEBEN M	
		ART UNIT	PAPER NUMBER	
		2623		
		MAIL DATE	DELIVERY MODE	
		10/17/2007	PAPER	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/158,549

Filing Date: September 22, 1998

Appellant(s): HENDRICKS ET AL.

Eamon J. Wall
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/6/2007 appealing from the Office action mailed 4/6/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. With respect to the 112, 1st paragraph rejection, appellant states, "The examiner has rejected claims 1 and 16 under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description and enablement requirements". The changes are as follows: The examiner has rejected claims 1-2, 4-6, 16-17, 19-21 & 43-45 under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description and enablement requirements.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,003,591	KAUFFMAN	3-1991
5,715,315	HANDELMAN	2-1998
5,657,41	LETT	8-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-2, 4-6, 16, 17, 19-21 & 43-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

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matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The instant claims 1, 16 & 45, recite, "A hardware upgrade for enhancing the functionality of a set top terminal... the hardware upgrade comprising... an interface... whereby digital data, including the electronic mail is transferred from the set top terminal for processing and the processed electronic mail is passed to the set to terminal for display" and "the hardware upgrade comprising, ...processing the electronic mail to produce processed electronic mail", examiner does not find explicit written description in the specification filed in the present application, 09/158,549, which is a Divisional of application 08/160,194, filed 12//02/1993 to support the claimed subject matter.

The following are the portions of the present application that discuss the Level B upgrade, or electronic mail. It is pointed out that page 32, lines 27-32 of specification (which incidentally corresponds with page 26, 3rd paragraph of the 07/991,704 application), merely teaches that the network controller 214 acts a central computer and provides electronic mail service to the set top terminal, Furthermore, page 33, lines 2-4 of the present application, discloses, "These interactive features are further described below with the interactive services level B menu and the set top terminal hardware upgrade level B interactive unit". First of all, it is pointed out that the specification does not explicitly mention electronic mail services anywhere else other than as cited on page 32. Thus, the "described below", phrase does not explicitly pertain to "electronic mail". Secondly, even if the phrase of page 33, lines 2-4 could be construed to read that the "interactive features", including electronic mail are accessed using the interactive

service level B menu and because of the upgrade level B interactive unit, that written description still does not explicitly state that the upgrade level B interactive unit receives and processes the electronic mail and passes the instant electronic mail back to the set top terminal for display.

Page 37, lines 27-30 discloses, "In this way, subscriber inputs, entered through the set top terminal keypad or remote control, can be transferred to any of the hardware upgrades for processing and responses generated therein can be sent back to the set top terminal for display". However, the specification has not explicitly stated that electronic mail is one of the instant 'subscriber inputs'.

It is pointed out that appellant has cited pages 38, lines 18-22 as supporting the claimed subject matter, since that portion discusses that the upgrade level B interactive unit "provides access to online data base services such as home shopping, airline reservations, news, financial services, classified advertising, home banking and interactive teletext services". However, examiner points out that the instant disclosure still does not explicitly state electronic mail is received and processed by the upgrade level B interactive unit.

Moreover, page 41, lines 7-11 discloses, "In addition, the interface may be a "mailbox", which resides in the set top terminal 220 as a single memory location. This embodiment facilitates the transfer of data between the set top terminal 220 and the expansion card in either serial or parallel format". However, this disclosure while discussing a "mailbox", still does not support the presently constructed claim language. In particular, the disclosure only specifically

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mentions that the “mailbox” resides on the set top terminal 220, and does not explicitly mention any “mailbox’ that resides on the expansion card. Secondly, the instant disclosure merely teaches that the “embodiment facilitates the transfer of data”, but does not explicitly discloses that e-mail data is transferred to the expansion card. It is noted that e-mail data has achieved a specific meaning (for instance by use of the SMTP protocol) in the art of telecommunications, and is more narrow than the broader term, “data”.

Examiner furthermore notes that as of the amendment filed 8/21/2004, claim 1 of the present application, recited, ‘A hardware upgrade for enhancing the functionality of a set top converter in a TV program delivery system, each set top converter having a mailbox adapted to receive electronic mail’, emphasis added. This claimed feature appears to correspond with the disclosure of page 41, lines 7-9 of the present application. However, the amendment filed 4/13/2005 deleted the feature ‘each set top converter having a mailbox’.

3. Claims 1-2, 4-6, 16, 17, 19-21 & 43-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, in claims 1, 16 & 45, the following subject matter is not enabled by the specification;

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"A hardware upgrade for enhancing the functionality of a set top terminal... the hardware upgrade comprising... an interface... whereby digital data, including the electronic mail is transferred from the set top terminal for processing and the processed electronic mail is passed to the set to terminal for display" and "the hardware upgrade comprising, ...processing the electronic mail to produce processed electronic mail" to support the claimed subject matter.

The following are the portions of the present application that discuss the Level B upgrade, or electronic mail. It is pointed out that page 32, lines 27-32 of specification (which incidentally corresponds with page 26, 3rd paragraph of the 07/991,704 application), merely teaches that the network controller 214 acts a central computer and provides electronic mail service to the set top terminal, Furthermore, page 33, lines 2-4 of the present application, discloses, "These interactive features are further described below with the interactive services level B menu and the set top terminal hardware upgrade level B interactive unit". First of all, it is pointed out that the specification does not explicitly mention electronic mail services anywhere else other than as cited on page 32. Thus, the "described below", phrase does not explicitly pertain to "electronic mail". Secondly, even if the phrase of page 33, lines 2-4 could be construed to read that the "interactive features", including electronic mail are accessed using the interactive service level B menu and because of the upgrade level B interactive unit, that written description still does not explicitly state that the upgrade level B interactive unit receives and processes the electronic mail and passes the instant electronic mail back to the set top terminal for display.

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Page 37, lines 27-30 discloses, "In this way, subscriber inputs, entered through the set top terminal keypad or remote control, can be transferred to any of the hardware upgrades for processing and responses generated therein can be sent back to the set top terminal for display". However, the specification has not explicitly stated that electronic mail is one of the instant 'subscriber inputs'.

It is pointed that applicant has cited pages 38, lines 18-22 as supporting the claimed subject matter, since that portion discusses that the upgrade level B interactive unit "provides access to online data base services such as home shopping, airline reservations, news, financial services, classified advertising, home banking and interactive teletext services". However, examiner points out that the instant disclosure still does not explicitly state electronic mail is received and processed by the upgrade level B interactive unit.

Moreover, page 41, lines 7-11 discloses, "In addition, the interface may be a "mailbox", which resides in the set top terminal 220 as a single memory location. This embodiment facilitates the transfer of data between the set top terminal 220 and the expansion card in either serial or parallel format". However, this disclosure while discussing a "mailbox", still does not support the presently constructed claim language. In particular, the disclosure only specifically mentions that the "mailbox" resides on the set top terminal 220, and does not explicitly mention any "mailbox" that resides on the expansion card. Secondly, the instant disclosure merely teaches that the "embodiment facilitates the transfer of data", but does not explicitly discloses that e-mail data is transferred to the expansion card. It is noted that e-mail data has achieved a specific

meaning (for instance by use of the SMTP protocol) in the art of telecommunications, and is more narrow than the broader term, "data".

Examiner furthermore notes that as of the amendment filed 8/21/2004, claim 1 of the present application, recited, 'A hardware upgrade for enhancing the functionality of a set top converter in a TV program delivery system, each set top converter having a mailbox adapted to receive electronic mail', emphasis added. This claimed feature appears to correspond with the disclosure of page 41, lines 7-9 of the present application. However, the amendment filed 4/13/2005 deleted the feature 'each set top converter having a mailbox'.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-6, 16-17, 19-21 & 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman, (U.S. Pat # 5,003,591), in view of Handelman, (U.S. Pat # 5,715,315) & Lett, (U.S. Pat # 5,657,414).

Considering claim 1, regarding the amended claimed hardware upgrade for enhancing the functionality of a set top terminal, (STT) in a TV delivery system, such that each STT is adapted to receive electronic mail, Kauffman discloses an interactive two-way CATV system that enables a subscriber to transmit/receive e-mail services at a set top converter 40, i.e. STT, see Kauffman Fig. 1 & col. 8, lines 19-32. Moreover, the converter 40 of Kauffman includes a microprocessor 50, which reads on the claimed microprocessor; see Fig. 2 & col. 6, lines 35-60.

As for the hardware upgrade comprising an interface for providing an electrical connection to the STT, whereby the e-mail is transferred from the STT for processing and the processed e-mail is passed to the STT for display, Kauffman does not discuss a separate hardware unit for processing of the e-mail services.

However, the disclosure of Handelman teaches that e-mail data may be transmitted from the CATV interface unit 18 to an external memory unit 38, (Fig. 2; col. 6, lines 24-26). E-mail data then may be retrieved from external memory unit 38 passed through the STT and displayed on the TV receiver, col. 6, lines 38-45. It would have been obvious for one ordinary skill in the art at the time the invention was made to modify Kauffman with the teachings of Handelman, at least for the desirable advantage of making more memory available through the external memory unit.

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Thus the amended claimed feature of, ‘whereby digital data, including electronic mail is transferred from the STT for processing and the processed electronic mail is passed to the STT for display”, reads on Handelman. Handelman teaches passing compressed electronic mail at least to an external memory card, which reads on the claimed ‘processing’.

As for the claimed at least one microprocessor connected to the interface for processing the e-mail to produce processed e-mail, Handelman does not show that the memory card includes a CPU. Nevertheless, Lett discloses a subscriber terminal 40 that includes an expansion card 138 that extends the capability of the subscriber terminal 40 by operating various additional processes, col. 8, lines 54-63. Lett goes on to teach that these expansion cards 138 include a microprocessor, which reads on the claimed subject matter; also see col. 8, lines 55-63.

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Kauffman & Handelman with the feature of placing a microprocessor on the expansion card, at least for the desirable advantage of more independent modular systems, as taught by Lett, col. 8, lines 61-63.

Regarding the claimed feature of the ‘microprocessor of the hardware upgrade being capable of communication with the microprocessor of the set top converter’, Lett teaches that the microprocessor 128 and secure microprocessor 136 of the subscriber terminal 40 communicates with the expansion card 138, which includes its own microprocessor and/or memory, via memory bus 141 and secure memory bus 143, respectively; see col. 8, lines 11-63. Thus, the

feature reads on the combination of Handelman, which teaches that the expansion card processes electronic mail, and Lett, which provides a microprocessor on the expansion card for controlling operation, i.e., processing activity of the expansion card 138.

Considering claims 2 & 17, Handelman discloses that video data may be transmitted to the CATV unit 18 in MPEG format, which reads on digital video; see col. 6, lines 15-21.

Considering claims 4 & 19, the instant claim calls for subscriber input, including textual information that is used to produce the processed e-mail for display. Kauffman clearly discusses that the subscriber is enabled to "send and receive e-mail messages", which requires textual input, see col. 8, lines 19-30. Also, Handelman discuss that a remote control is used to select an information display channel or non-CATV data display option. Handelman also teaches that the STT may be connected to a keyboard, thereby enabling the input of textual information.

Considering claims 5 & 20, Handelman (col. 1, lines 61-67) discloses interfacing with on-line databases, interactive services and message services and using a telephone modem.

Considering claims 6 & 21, the claimed memory for storing the processed e-mail is met by the external memory unit 38 or internal memory unit 36 of Handelman; see Fig. 2, also see Lett, col. 8, lines 45-65, which teaches that the expansion card 138 includes memory.

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Considering claim 16, the claimed method for enhancing the functionality of a STT comprises steps that correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Considering claim 43, the claimed feature of ‘textual interactivity’, Handelman teaches that the subscriber may have input to the system using a keyboard 130, which reads on ‘textual interactivity’, see col. 8, lines 46-50. As for the claimed ‘overlay menus’, Kauffman discusses the use of an on-screen display, but does not explicitly discuss an overlay screen.

Considering claim 44, Lett teaches that the expansion card 138 extends the capability of the subscriber terminal 40, but does not explicitly state the expansion card may coordinate reception of TV programs and interact with the upstream data transmitter. Nevertheless, one of ordinary skill in the art at the time the invention was made, would have readily recognized the benefit of placing some of the tuning and upstream functionality on an expansion card. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Kauffman, Handelman & Lett to provide additional features such as tuning to the expansion card, at least for the desirable improvement of enabling multiple channels to be tuned concurrently and/or providing redundancy of tuning and upstream hardware.

Considering claim 45, the claimed elements of a hardware upgrade for a STT in a TV program delivery system that correspond with subject matter mentioned above in the rejection of

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claims 1 & 16, are likewise analyzed. As for the additional claimed ‘modem for accessing an online service outside of the TV program delivery system and for receiving electronic mail from the online service’, Handelman teaches that the modem 119 may provide e-mail services, col. 8, lines 1-26.

As for the additionally claimed, ‘memory for storing programming instructions that enable a subscriber to engage in textual interactivity with the processing of the electronic mail’, Lett teaches that the expansion card 138 may include “additional program or data memory”. Thus the combination of Handelman (which teaches that the external memory 38, at least stores e-mail data, and that using keyboard 130, the subscriber has textual interactivity with the e-mail service) and Lett, reads on the claimed subject matter.

The further claimed, ‘interface for providing an electrical connection between the STT and the hardware upgrade, and for transferring the processed electronic mail from the hardware upgrade to the STT for display’, is inherent in Handelman.

(10) Response to Argument

The first grounds of rejection under appeal to be reviewed is the rejection of the claims under 112, 1st paragraph. It is first of all noted that the present application is a Divisional of US. Pat 5,990,927; Serial # 08/160,194, (filed 12/2/1993), which is CIP of Serial # 07/991,074, (filed 12/9/1992), Appellant asserts that subject matter in the claims are found in the '074 application. Secondly, it is noted that the rejection under 103(a), in part relies on Handelman, filed (9/15/1993) which is therefore an intervening reference, between the application date (12/2/1993) of the Divisional of the present application and the application date (12/9/1992) of its parent application.

In the response filed on 9/21/2005, and in the present appeal brief, appellant asserts that the relevant subject matter is found in the parent application, and therefore the Handelman reference should not be considered prior art. Examiner respectfully disagrees.

It is noted that the '074 application contains exactly one mention of electronic mail, as such. This passage is found on page 25, lines 19-22, which reads, "the network controller 214 can act as a central computer and provide intra-set top terminal interactive games, inter-set top terminal interactive games, computer bulletin board type services, message serves (Electronic

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mail), etc". Since the above passage is the only reference to electronic mail in the '074 application, the instant application does not either teach or disclose the claimed feature of, 'A hardware upgrade...the hardware upgrade comprising...an interface for providing an electrical connection to the set top terminal, whereby digital data, including *electronic mail*, is transferred from the set top terminal for processing and the processed electronic mail is passed to the set top terminal for display; and at least one microprocessor connected to said interface for processing electronic mail to produce processed *electronic mail*'.

Therefore a 112, 1st paragraph rejection (written description & enablement) has been made on the claims.

Appellant's first argument on page 11 of the brief, is to assert that "the specification and claims may not be rejected for lack of written description under 35 U.S.C. 112, 1st paragraph, when details in the claims that are not described in the specification are within the level ordinary skill in the art, citing *In re Skrivan*. This citation is not dispositive on the present appeal for at least three reasons. (1) Specification and claims of *In re Skrivan* are directed to subject matter not applicable to the electronics/computer art, at the time appellant's invention was made. (2) The 112 rejection of *In re Skrivan* was for the claims being "unduly broad", which is different from the 112 rejection in the present appeal that the claims fail to comply with the written description and enablement requirements. (3) In view of the reason (2), the court's ruling is not applicable to the present case.

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As for reason (1), it is noted that the *In re Skrivan* case is directed to a process of mixing two streams of reactants (e.g., mixing a plasma stream with an oxygen stream) such that in order to achieve certain results, the two flowing streams are mixed between certain ranges of angles, which the specification had disclosed as operating over a range of angles. (i.e., 50-160 degrees). Therefore the subject matter is not applicable to the question of whether the specification in the present application discloses a microprocessor that is configured on an upgrade unit for processing electronic mail, and an interface for providing an electrical connection between the instant upgrade unit & the STB, which passes the electronic mail from the STB to the instant upgrade unit for processing and then back to the instant STB for display.

With respect to the reason (2), the Court noted that the examiner made the 112, 1st paragraph rejection of claims 9, 10 & 12-16, as being unduly broad since the instant claims are readable on mixing the streams at angles not specifically discussed within the range of angles disclosed in the specification. It is asserted that such a rejection and the reasoning behind it, is inapposite with the present appeal. *In re Skrivan*, the examiner made a 112 rejection, because the relevant claims did not recite subject matter (i.e., any angle within the range of angles 50-160 degrees, or the range of angles itself, that the specification disclosed were necessary for achieving the object of the invention). However, in the present invention, a 112 rejection is made because examiner asserts that the relevant claims recite subject not described in the specification in a way as to reasonably convey to one skilled in the art at the time the application was filed, that the inventor(s) has possession of the claimed invention. Therefore, the present appeal and

the *In re Skrivan* are directed to opposite issues and therefore, the decision of the *In re Skrivan*, is not applicable to the present appeal.

Regarding the reason (3), the court noted that independent claim 6 of the appealed case recited that the flowing streams were mixed between the 50-160 degrees, examiner did not make the 112 rejection against claim 6. The court also noted that at least some of the claims in a co-pending application (Serial # 430,262) were also given the same 35 U.S.C. 112 rejections by the examiner, but the claims were however amended to recite that indeed the flowing streams were mixed between the 50-160 degrees, or of more limited range, which overcame the rejection. The court then concluded that in light of all the arguments that it was unnecessary for the claims 9, 10 & 12-16 to explicitly recite that the flowing streams were mixed between the 50-160 degrees. The disputed information was explicitly disclosed in the specification as a requirement for the process and “preventing plugging”, the court cited page 6 of the specification. Furthermore the court stated, “Nor has appellant, either by statements made in his disclosure or by his attorney during the course of prosecution, indicated that the claims define anything more than he regards as his invention”.

Thus on the merits of the arguments, examiner asserts that the *In re Skrivan* citation is not applicable to the present appeal.

Appellant also cites to *In re Gay*, in support of the position. Again, for the similar reasons as argued above, *In re Gay* is not applicable to the present appeal. As for reason (1), it is pointed

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out that the subject matter of a porous or non-porous boiling bag for rice is not analogous to the computer art at the time the present invention was made.

In regards to reason (2), it is noted that the 112 rejections of *In re Gay*, pertained to best mode and new matter. The issue of best mode, has no relevance whatsoever in the present appeal. The issue of new matter is somewhat related to the present appeal, but still a different issue and is thus not applicable to this particular appeal. In particular, as noted by the court, the specification of the appealed application disclosed that the rice boiling container has material with a plurality of openings of a number and size large enough to permit the passage of water and water-soluble starch therethrough and small enough to restrict the release of pressure... The pressure generated within the container resists entry of additional water and emits water containing soluble starch through the perforations.

The examiner *In re Gay* made a new matter 112 rejection, since the original disclosure did not contain a statement as to whether the materials are 'porous, non-porous or substantially non-porous'. However, the court pointed out that the specification was clearly concerned with the issue of non-porosity, since it discloses that the materials have ability to keep out water. Thus, since the material in the specification was already disclosed as keeping out water, then such as feature has the same meaning as the recited term 'non-porous'. Furthermore, the specification already disclosed that the container itself contains holes or perforations, for releasing water and water-soluble starch, which also has the meaning as the recited 'porous'.

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The issue raised in the appeal of *In re Gay*, is whether appellant could recite terms in the claims that have the same meaning of the subject matter disclosed in the specification, but not used in the specification. Examiner asserts that this is different from the issue raised in the present appeal, of whether the specification discloses that the Level B upgrade unit is configured to process electronic mail, and therefore the outcome of *In re Gay* is not applicable.

The appellant (page 12 of the Appeal Brief) in the present application points to page 25, line 19 thru page 26, line 7, of the original application, '074 as providing support for the claimed subject matter. It is argued that, "Appellant's parent application recites that interactive features, such as electronic mail are described with interactive services level B menu and STT hardware upgrade level B unit... Therefore the parent application provides support for the 'electronic mail' limitation of the independent claims 1, 16 & 45". Examiner respectfully disagrees. It is again pointed out that the only reference to electronic mail on page 25 of the specification merely discloses that the network controller 214 can... provide... Electronic mail. Nowhere does the specification state that electronic mail may be accessed using the Level B menu. For instance, examiner points out that Fig. 52B which discloses the Interactive Services Level B Menu, does not have a listing for electronic mail.

Appellant also cites page 54, lines 1-2, with respect to the interface between the hardware upgrade units and the STT. However, it is pointed out that the discussion of the services that the Level B interactive unit will allow does not include electronic mail. On page 54, lines 21-22 thru page 55, lines 1-7, it is disclosed that the Level B interactive unit will allow the user to access

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online data base services for applications such as home shopping, airline reservations, news, etc., but does not disclose that electronic mail is one of the services. It would appear that based on appellant's reasoning, appellant would be entitled to claim that the Level B upgrade unit will process a number of other services that are not listed in the specification. The importance of the 112 written description requirements is that the specification must describe the claimed subject matter in a way that conveys to one of ordinary skill in the art that applicant invention possessed the feature as claimed. Merely because the specification discloses that the Level B hardware upgrade unit processes some interactive services does not mean that the Level B hardware upgrade unit also necessarily is enabled to process electronic mail, which is a specifically different interactive service from those listed on page 54 lines 21-22 thru page 55, lines 1-7.

On page 13 of the Appeal Brief, the *In re Skrivan* and *In re Gay* decisions are revisited as support for appellant's arguments. Nevertheless, it is again pointed that these cases are directed to different issues from the issue raised in the current appeal.

Regarding the 103 rejection of the claims 1, 16 & 45, appellants assert that the Handelman reference is not a valid prior art reference and thus the combination of Kauffman & Lett, do not meet the claimed subject matter. Again examiner respectfully disagrees, and maintains the 103 rejections based on the combination of Kauffman, Handelman & Lett, which teach all of the claimed features.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

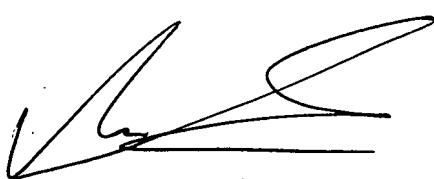
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Reuben M. Brown

Conferees:


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
Technology Center 2600
Chris Kelley



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Vivek Srivastava